

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 48

Introduced by Assembly Member John A. Pérez

December 6, 2010

An act to add Article 13 (commencing with Section 44670) to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 48, as amended, John A. Pérez. Teachers: best practices teacher evaluation.

Existing law states the intent of the Legislature that school district governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance on a continuing basis as it reasonably relates to the progress of pupils toward the established standards and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

This bill would state findings and declarations of the Legislature regarding the nature of effective teachers and of the teaching profession. This bill would describe a best practices teacher evaluation system as one in which each teacher is evaluated on a continuing basis on the degree to which he or she accomplishes specific objectives and multiple observations of instructional and other professional practices are conducted by trained evaluators. The bill would provide that a school district that implements a best practices teacher evaluation program is not subject to the evaluation and assessment provisions described above, and would authorize the school district to use specified funds for any educational purpose during the fiscal year in which a best practices teacher evaluation program is operative in that school district. The bill would also prohibit a school district that implements a best practices teacher evaluation program from initiating charges against an employee for unsatisfactory performance unless he or she is given the opportunity to participate in a peer assistance and review process, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 13 (commencing with Section 44670) is added to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, to read:

Article 13. Best Practices Teacher Evaluation

44670. (a) The Legislature finds and declares all of the following:

(1) Teaching is a professional endeavor, in which effective practice is driven by an understanding of knowledge in the field and a commitment to all pupils and their families.

(2) Excellent teaching requires knowledge, skills, artistry, passion, and commitment.

(3) Effective teachers integrate ethical concern for children and society, extensive subject matter competence, thoughtfully selected pedagogical practices, and a depth of knowledge about their pupils, including knowledge of child and adolescent development and learning, an understanding of their individual strengths, interests, and needs, and knowledge about their families and communities.

(4) Effective teachers share a common set of professional and ethical obligations that includes a profound and fundamental commitment to the growth and success of the individual pupils in their care as well as to the strengthening and continual revitalization of our democratic society.

(b) The Legislature further finds and declares that the primary purpose of an evaluation system is to ensure that teachers meet the highest professional standards of effective teaching, thereby resulting in high levels of pupil learning.

44671. (a) A best practices teacher evaluation system has the following attributes:

~~(a)~~

(1) Each teacher is evaluated on the degree to which he or she accomplishes the following objectives:

~~(1)~~

(A) Engages and supports all pupils in learning, evidence of which may include, but is not limited to, evidence of high expectations and active pupil engagement for each pupil.

~~(2)~~

(B) Creates and maintains effective environments for pupil learning.

~~(3)~~

(C) Understands and organizes subject matter for pupil learning, evidence of which may include, but is not limited to, extensive subject matter, content standards, and curriculum competence.

~~(4)~~

(D) Plans instruction and designs learning experiences for all pupils, evidence of which may include, but is not limited to, use of differentiated instruction and practices based upon pupil progress and use of culturally responsive instruction, *including, but not limited to, incorporation of multicultural information and content into the delivery of curriculum*, to eliminate the achievement gap.

~~(5)~~

(E) Uses pupil assessment information to inform instruction and to improve learning, evidence of which may include, but is not limited to, use of formative assessments to adjust instructional practices to meet the needs of individual pupils.

~~(6)~~

(F) Develops as a professional educator, evidence of which may include, but is not limited to, consistent and positive relationships

1 with pupils, parents, staff, and administrators, use of collaborative
2 professional practices for improving instructional strategies,
3 participation in identified professional growth opportunities, and
4 use of meaningful self-assessment to improve as a professional
5 educator.

6 ~~(7)~~

7 (G) Assesses pupil academic growth based upon multiple
8 measures, which may include, but are not limited to, classroom
9 work, local and state academic assessments, and pupil grades,
10 classroom participation, presentations and performances, and
11 projects and portfolios. Measures used for assessing pupil academic
12 growth shall be valid and reliable for the purpose of teacher
13 evaluation. Pupil data used for purposes of teacher evaluation shall
14 be confidential.

15 ~~(b)~~

16 (2) Multiple observations of instructional and other professional
17 practices are conducted by evaluators who have received
18 appropriate training and who have demonstrated competence in
19 teacher evaluation, *as determined by the school district*.

20 ~~(1)~~

21 (A) Multiple observations may include, but are not limited to,
22 classroom observations, one-on-one discussions, and review of
23 classroom materials and course of study.

24 ~~(2)~~

25 (B) Observations shall be conducted using a uniform tool for
26 use in observing the teacher for purposes of conducting an
27 evaluation pursuant to this article.

28 ~~(3)~~

29 (C) Prior to each observation, the observer shall meet with the
30 teacher to discuss the purpose of the observation.

31 ~~(4)~~

32 (D) After each observation, the observer shall meet with the
33 teacher to discuss recommendations, as necessary, with regard to
34 areas of improvement in the performance of the teacher.

35 ~~(e)~~

36 (3) Teachers are evaluated with the frequency set forth in
37 subdivision (a) of Section 44664.

38 ~~(d)~~

1 (4) The teacher evaluation system is locally negotiated pursuant
2 to Chapter 10.7 (commencing with Section 3540) of Division 4 of
3 Title 1 of the Government Code.

4 (e)

5 (b) This section shall not be interpreted to prohibit a locally
6 negotiated evaluation process from designating certificated
7 employees to conduct, or participate in, evaluations of other
8 certificated employees. A certificated employee who conducts, or
9 participates in, an evaluation pursuant to this article shall not be
10 deemed to be exercising a management or supervisory function as
11 defined by subdivision (g) or (m) of Section 3540.1 of the
12 Government Code.

13 44672. (a) Results of an evaluation conducted pursuant to this
14 article shall be reduced to writing, and a copy thereof shall be
15 provided to the teacher at a time and in a manner determined
16 pursuant to Chapter 10.7 (commencing with Section 3540) of
17 Division 4 of Title 1 of the Government Code.

18 (b) The teacher shall have the right to initiate a written reaction
19 or response to the evaluation. This response shall become a
20 permanent attachment to his or her personnel file.

21 (c) The teacher shall be entitled to a meeting with the evaluator
22 to discuss the evaluation at a time and in a manner determined
23 pursuant to Chapter 10.7 (commencing with Section 3540) of
24 Division 4 of Title 1 of the Government Code.

25 44673. (a) Notwithstanding any other law, a school district
26 that implements a best practices teacher evaluation system as set
27 forth in this article may use funds received pursuant to the items
28 set forth in paragraph (2) of subdivision (a) of Section 42605 as it
29 read on May 1, 2011, for any educational purpose during any fiscal
30 year in which a best practices teacher evaluation system as set
31 forth in this article is operative in that district.

32 (b) A school district that implements a best practices teacher
33 evaluation system as set forth in this article shall not be subject to
34 the requirements of Article 11 (commencing with Section 44660).

35 44674. A school district that implements a best practices teacher
36 evaluation system as set forth in this article shall not initiate
37 charges against an employee pursuant to subdivision (b) of Section
38 44938 unless the employee is given the opportunity to participate
39 in a peer assistance and review process established pursuant to
40 Chapter 10.7 (commencing with Section 3540) of Division 4 of

- 1 Title 1 of the Government Code that is ~~consistent with the process~~
- 2 *similar to the California Peer Assistance and Review Program for*
- 3 *Teachers* set forth in Article 4.5 (commencing with Section 44500).